

UNITED STATES DISTRICT COURT  
DISTRICT OF MINNESOTA

---

Joseph Anthony Favors,

Civ. No. 24-2709 (JWB/LIB)

Plaintiff,

v.

**ORDER ACCEPTING  
REPORT AND RECOMMENDATION  
OF MAGISTRATE JUDGE**

Mike Lanin, *Individual and Official  
Capacity as Security Lead CPS of MSOP*;  
Jodi Harpstead, *Individual and Official  
Capacity as Commissioner DHS/MSOP*;  
and Nancy Johnston, *Individual and  
Official Capacity as Executive Director of  
DHS/CPS of MSOP, and Successor in  
Office*,

Defendants.

---

United States Magistrate Judge Leo I. Brisbois issued a Report and Recommendation (“R&R”) on March 4, 2025. (Doc. No. 36.) No objections have been filed to that R&R in the time permitted. Absent timely objections, the R&R is reviewed for clear error. *See* Fed. R. Civ. P. 72(b); *Grinder v. Gammon*, 73 F.3d 793, 795 (8th Cir. 1996). Having reviewed the R&R, no clear error is found.

Based on the R&R of the Magistrate Judge, and on all the files, records, and proceedings in this case, **IT IS HEREBY ORDERED** that:

1. The March 4, 2025 Report and Recommendation (Doc. No. 36) is **ACCEPTED**;
2. Defendants’ Motion to Dismiss (Doc. No. 21) is **GRANTED in part** and

**DENIED in part**, as set forth in the R&R;

3. Plaintiff's § 1983 claims for monetary damages against all Defendants in their "official capacity" are **DISMISSED with prejudice**;

4. Plaintiff's § 1983 claims for injunctive relief against Defendants Harpstead and Johnston in their "official capacity" are **DISMISSED without prejudice**;

5. Plaintiff's § 1983 claims against Defendants' Harpstead and Johnston in their "individual capacity" (regardless of the relief sought) are **DISMISSED without prejudice**;

6. Plaintiff's § 1983 First Amendment retaliation claim seeking injunctive relief against Defendant Lanin in his "official capacity" is **DISMISSED without prejudice**;

7. Plaintiff's § 1983 First Amendment retaliation claim against Defendant Lanin in his "individual capacity" (regardless of the relief sought) is **DISMISSED without prejudice**;

8. Plaintiff's § 1983 Eighth Amendment retaliation claim for injunctive relief against Defendant Lanin in his "official capacity" is **DISMISSED with prejudice**;

9. Plaintiff's § 1983 Eighth Amendment retaliation claim against Defendant Lanin in his "individual capacity" (regardless of the relief sought) is **DISMISSED with prejudice**;

10. Plaintiff's § 1983 Equal Protection claim seeking injunctive relief from Defendant Lanin in his "official capacity" is **DISMISSED without prejudice**;

11. Plaintiff's § 1983 Equal Protection claim against Defendant Lanin in his "individual capacity" (regardless of the relief sought) is **DISMISSED without prejudice**; and

12. Plaintiff's state law claims are **DISMISSED without prejudice**.

**LET JUDGMENT BE ENTERED ACCORDINGLY.**

Date: April 9, 2025

*s/ Jerry W. Blackwell*

JERRY W. BLACKWELL

United States District Judge